
INTEROFFICE MEMORANDUM

TO: JEFFREY B. MULLAN, SECRETARY AND CHIEF EXECUTIVE OFFICER
FROM: ROBERT M. HORACEK, DEPUTY GENERAL COUNSEL
SUBJECT: LIGHT FIXTURE INCIDENT – COMMUNICATIONS REVIEW
DATE: 3/25/2011

INTRODUCTION:

On the morning of February 8, 2011, a light fixture in the Central Artery Tunnel fell from its location on the ceiling of Route 93 Northbound near the entrance to the Ted Williams Tunnel.

Secretary Mullan requested on Friday, March 18, 2011 that a review be undertaken to determine when the Highway Division leadership became aware of the fallen light fixture and what steps were taken to communicate the incident to Secretary Mullan.

INTERVIEWS:

The following people were interviewed for this investigation:

1. Anthony Duros, Electrical Engineer, District 6
2. Helmut Ernst, District Highway Director, District 6
3. Frank Tramontozzi, Acting Administrator, Highway Division
4. Dave Belanger, Chief Operations Engineer, District 6
5. Michael McGrath, Deputy Chief Engineer, Construction
6. Eileen Fenton, Legal Counsel, Office of the General Counsel
7. Kevin Walsh, Director, Environmental Services
8. Robert Cohen, Deputy Director, Real Estate Development, formerly Associate Commissioner for Administration.
9. Thomas Gray, Director, Right of Way Bureau
10. David Anderson, Director, Project Management, Highway Division
11. Major David Desmond, State Police, Troop E
12. Jeffrey B. Mullan, Secretary and CEO

INTERVIEW NARRATIVES:

1. Anthony Duros:

Anthony Duros is the District 6 Electrical Engineer. He occupied a similar position with the former Massachusetts Turnpike Authority, and is familiar with the electrical fixtures in the Central Artery Tunnels.

Mr. Duros was interviewed on Monday, March 21, 2011 at 185 Kneeland Street.

Regarding the timeline of events from when the light fell through to notification by District 6 to the Acting Administrator, Mr. Duros stated as follows:

- A. On the morning of February 8, 2011 at 10:36 a.m. the light fixture was observed by District 6 Highway Maintenance employee Bernie Brochu. Mr. Brochu normally works the 3 p.m. to 11 p.m. shift, but was also working on the morning of February 8, 2011. Mr. Brochu picked up the fixture, threw some debris on the catwalk, and through the fixture into the back of his pick up truck.
- B. Ed McCarthy, Mr. Brochu's supervisor at District 6, became aware of the fallen light fixture. He informed an electrician who was working on the February 8, 2011 3 p.m. to 11 p.m. shift. That electrician told a supervising electrician on the 11 p.m. to 7 a.m. shift (February 9, 2011).
- C. That supervisor informed Dan Mullalley, a District 6 Electrician on February 9, 2011, of the fallen light fixture.
- D. Dan Mullalley reported the fallen light fixture to David Belanger, District 6 Operations Engineer and Anthony Duros on the morning of February 9, 2011 about the fallen light fixture.
- E. Anthony Duros and David Belanger met on February 9, 2011 with District Highway Director Helmut Ernst and advised him of the fallen light fixture.
- F. Helmut Ernst, during the meeting on February 9, 2011 with Mr. Duros and Mr. Belanger, called Frank Tramontozzi (at the time the Chief Engineer for the Highway Division, and appointed Acting Administrator on March 2, 2011 to fill the void left by Administrator Paiewonsky's leave of absence). Mr. Duros recalls that he heard Mr. Ernst tell Mr. Tramontozzi that a light fixture had fallen in one of the tunnels. Mr. Duros stated that he heard Mr. Ernst tell Mr. Tramontozzi of the falling light fixture, and the steps he would take to address the issue. Mr. Duros recalls the conversation between Mr. Ernst and Mr. Tramontozzi because Mr. Tramontozzi asked about replacing all the light fixtures, and Mr. Ernst advised Mr. Tramontozzi that there were 23,000 light fixtures. Mr. Duros stated that Mr. Ernst told him that Chief Tramontozzi's advice was to make sure the tunnels were safe.
- G. Mr. Duros thereafter began scheduling and coordinating the inspection efforts directed by Helmut Ernst. Inspections of the lights in the tunnel by District 6 electricians began on the night of February 9, 2011.

- H. Mr. Duros also recalled that on February 14, 2011, Mr. Ernst held a meeting of District 6 Senior staff to evaluate the problem and to design a plan going forward to determine the nature and scope of the problem.

2. Helmut Ernst

Helmut Ernst is the District Highway Director for District 6. As such, the Central Artery Tunnels fall within the jurisdiction of the district over which he presides.

Mr. Ernst was interviewed in his office on Monday, March 21, 2011.

Regarding the timeline of events from when the light fell through to notification by District 6 to the Acting Administrator, Mr. Ernst stated as follows:

- A. Mr. Ernst stated that he was first informed of the light fixture falling from the tunnel ceiling on February 9, 2011 in the late morning.
- B. On February 9, 2011, Tony Duros and Dave Belanger went to Helmut Ernst's office at District 6 and reported to him the issues and concerns related to the falling light fixture discovered on February 8, 2011. Mr. Duros reported that a light fixture had fallen on the tunnel roadway, that there appeared to be no facility incident report (FIR) issued by the HOC (Highway Operations Center) and that there was a need to get into the roadway to start inspecting the fixtures to determine the nature and scope of the problem.
- C. Mr. Ernst was urged by Tony Duros to contact his superiors in the chain of command because of what Mr. Duros considered to be the potential seriousness of the problem.
- D. Mr. Ernst stated that while Mr. Duros and Mr. Belanger were still in his office, he called Chief Engineer Tramontozzi to advise him of the problem.
- E. Mr. Ernst stated that he told the Chief Engineer that a light fixture had fallen in one of the tunnels. Mr. Ernst stated that he described as much as he could about the fallen light fixture, and that the Chief Engineer inquired about replacing the fixtures as a solution. Mr. Ernst stated that he replied to the Chief Engineer by identifying the total number of lights that would have to be replaced (approximately 23,000). Mr. Ernst stated that he advised the Chief Engineer that he would direct that an inspection of all the tunnel lights be initiated. According to Mr. Ernst, the Chief Engineer stated that Mr. Ernst should just make sure the tunnels are safe.
- F. On February 9, 2011, Mr. Ernst ordered inspections of all the light fixtures in the tunnels. The first verbal directive was to conduct a visual inspection of the lights starting in the area where the light had fallen.
- G. Mr. Ernst stated that he went to a Highway Division Senior Staff meeting on Monday, February 14, 2011. Administrator Paiewonsky and Chief Engineer Tramontozzi were present at that meeting. Mr. Ernst stated that at that meeting he noted the issue relating to the falling light fixture and the inspections. Mr. Ernst states that he recalls receiving no particular response or directive about the falling light issue at that meeting.
- H. On February 14, 2011, following the Highway Division Senior Staff meeting, Mr. Ernst convened a meeting of the following people:

- Daniel Mullalley, District 6 Supervisory Electrician
- John McInerney – District 6 Engineer
- Maury Tayiarani – Metal/Materials Specialist
- Lev Bentsman – Senior Structural Engineer
- Peter Cavichi – Engineering Services

At that meeting, there was a discussion about the alternate support methods that could be used on the lights to provide additional support.

- I. As a result of the meeting on February 14, 2011, it was decided that the light fixture that fell should be sent for testing to determine why they are experiencing failure, and that the tunnel inspection consulting engineers should be brought in earlier than their normal April starting date for annual tunnel inspections to determine the nature and scope of the problem. It was also determined that the inspections should include a pry test of the clips holding the light fixture up rather than a simple inspection by observation.
- J. Mr. Ernst recalled that the issue was raised and discussed at a Highway Division Senior Staff meeting on Monday, February 28, 2011. At that meeting was staff from the Legislative Affairs Office. On March 1, 2011, Mr. Ernst recalled that he received an email from Roy Avellaneda, Legislative Liaison, asking about the number of lights that would need to be replaced. Helmut submitted a reply describing the nature of the problem as he understood it at that time. That email is attached in the Appendix at Exhibit A.
- K. Mr. Ernst stated that other than his telephone call to the Chief Engineer on February 9, 2011, and the Highway Division Senior Staff meetings of February 14, 2011 and February 28, 2011, he did not have another conversation with Chief Engineer Tramontozzi about this matter until March 7, 2011 and March 14, 2011, both during or immediately after the Highway Division Senior Staff meetings. Mr. Ernst recalls that on March 14, 2011 he advised the Chief Engineer that the cost to replace all fixtures would be approximately \$200 million dollars.

3. Frank Tramontozzi

Frank Tramontozzi is the Acting Administrator for the Highway Division, appointed as such on March 2, 2011 to fill the void left by Administrator Paiewonsky's leave of absence. Until that time, Mr. Tramontozzi was the Chief Engineer for the Highway Division.

Mr. Tramontozzi was interviewed in his office on Tuesday, March 22, 2011 at 1:30 p.m.

Regarding the timeline of events from when the light fell through to notification by District 6 to the Acting Administrator, Mr. Tramontozzi stated as follows:

- A. Mr. Tramontozzi stated he was not notified by District 6 Highway Director Helmut Ernst on February 9, 2011. Mr. Tramontozzi states that he was at an off site meeting on that date. Mr. Tramontozzi also reports that he has no phone calls on his cell phone for that day (February 9, 2011) or the next day (February 10, 2011) from Mr. Ernst.

- B. Mr. Tramontozzi stated that he was first notified of the falling light issue on February 25, 2011, at which time Mr. Ernst told him that 3 to 4 weeks ago a light went down in the tunnel. (Mr. Tramontozzi later corrected that date to indicate that he had information about the fallen light fixture on February 24, 2011). Mr. Ernst explained to Mr. Tramontozzi that the cause appeared to be a corrosion issue. He also stated that the FHWA was informed on February 24, 2011 and indicated that it will allow the use of Central Artery Tunnel trust funds to address the problem.
- C. Mr. Tramontozzi stated that that was the first time he had learned of a meeting between Mr. Ernst and FHWA officials. That meeting allegedly occurred on February 24, 2011. (It was later determined that the February 24, 2011 meeting was a regularly scheduled monthly meeting with FHWA to discuss Central Artery related issues).
- D. Mr. Tramontozzi stated that the falling light issue was raised by Mr. Ernst at the February 28, 2011 Highway Division Senior Staff meeting. According to Mr. Tramontozzi, this was the first time at a Highway Division Senior Staff meeting that the issue was raised by Mr. Ernst. Mr. Tramontozzi states that he instructed Mr. Ernst to provide information to Tom Donnelly for submission as a "Hot Topic." Mr. Tramontozzi stated that Mr. Ernst did not provide Mr. Donnelly with the "Hot Topic" report until March 14, 2011. See attached email dated March 14, 2011.
- E. Mr. Tramontozzi states that Roy Avellaneda from the Office of Legislative Affairs was in attendance at the February 28, 2011 Highway Division Senior Staff meeting. Mr. Tramontozzi states that he believes that Mr. Avellaneda brought the falling light matter to the attention of Jefferson Smith, and that Mr. Smith then brought the issue to Assistant Secretary Landolfi. (Mr. Avellaneda sent an email to Mr. Ernst on March 1, 2011 asking for information regarding the scope of the problem. Mr. Ernst responded on that day. Mr. Avellaneda forwarded Mr. Ernst's response to Assistant Secretary Joseph Landolfi. That email is attached).
- F. Mr. Tramontozzi stated that he first informed Secretary Mullan and other MassDOT Senior Staff at a regularly scheduled Senior Staff meeting on March 8, 2011. Mr. Tramontozzi stated that he relied on facts provided to him during a phone call with Helmut Ernst on March 7, 2011.

4. Dave Belanger

Dave Belanger is the Chief Operations Engineer for District 6. Mr. Belanger was interviewed by telephone on Tuesday, March 22, 2011.

Mr. Belanger was in the office of the District 6 Highway Administrator on February 9, 2011, along with Anthony Duros.

Mr. Belanger specifically recalls Mr. Ernst placing a call to Chief Engineer Tramontozzi during that meeting. He recalls the phone call to Mr. Tramontozzi because he recalls that Mr. Tramontozzi asked Mr. Ernst about replacing all the light fixtures, and Mr. Ernst replied by stating that there were 23,000 light fixtures.

5. Michael McGrath

Michael McGrath is the Deputy Chief Engineer for Construction. Mr. McGrath was interviewed on Wednesday, March 23, 2011.

Mr. McGrath was asked about his recollection of the Highway Division Senior Staff meeting on February 14, 2011 and whether he recalled the falling light fixture in the 93 NB tunnel being mentioned by Helmut Ernst at that meeting.

Mr. McGrath stated that he could not recall precisely whether the issue was raised by Mr. Ernst at the February 14, 2011 meeting. He did recall that it was brought up at the February 28, 2011 Highway Division Senior Staff meeting, and that it was discussed in some detail.

6. Eileen Fenton

Eileen Fenton is legal counsel in the Office of the General Counsel. Ms. Fenton was interviewed on Wednesday, March 23, 2011.

Ms. Fenton attends the Highway Division Senior Staff meetings on behalf of the Office of the General Counsel. Ms. Fenton was asked about her recollection of the Highway Division Senior Staff meeting on February 14, 2011 and whether she recalled the falling light fixture in the 93 NB tunnel being mentioned by Helmut Ernst at that meeting.

Ms. Fenton had a specific recollection, supported by personal notes, of the issue being raised at the meeting of February 28, 2011. Ms. Fenton did not have any recollection of the issue being raised at the February 14, 2011 Highway Division Senior Staff meeting.

7. Kevin Walsh

Kevin Walsh is the Director of Environmental Services for MassDOT. Mr. Walsh was interviewed on Thursday, March 24, 2011.

Mr. Walsh was asked about his recollection of the Highway Division Senior Staff meeting on February 14, 2011 and whether he recalled the falling light fixture in the 93 NB tunnel being mentioned by Helmut Ernst at that meeting.

Mr. Walsh had a specific recollection of the issue being raised at the meeting of February 28, 2011. Mr. Walsh did not have any recollection of the issue being raised at the February 14, 2011 Highway Division Senior Staff meeting.

8. Robert Cohen

Mr. Cohen is the MassDOT Deputy Director for Real Estate Development. Mr. Cohen was interviewed on Thursday, March 24, 2011.

Mr. Cohen attends the Highway Division Senior Staff meetings, and was asked about his recollection of the Highway Division Senior Staff meeting on February 14, 2011 and whether he recalled the falling light fixture in the 93 NB tunnel being mentioned by Helmut Ernst at that meeting.

Mr. Cohen had a specific recollection of the issue being raised at the meeting of February 28, 2011. Mr. Cohen did not have any recollection of the issue being raised at the February 14, 2011 Highway Division Senior Staff meeting.

9. Thomas Gray

Mr. Gray is the Director of the Highway Division Right of Way Bureau. Mr. Gray was interviewed on Thursday, March 24, 2011.

Mr. Gray was asked about his recollection of the Highway Division Senior Staff meeting on February 14, 2011 and whether he recalled the falling light fixture in the 93 NB tunnel being mentioned by Helmut Ernst at that meeting.

Mr. Gray had a specific recollection of the issue being raised at the meeting of February 28, 2011. Mr. Gray did not have any recollection of the issue being raised at the February 14, 2011 Highway Division Senior Staff meeting.

10. David Anderson

Mr. Anderson is the Highway Division Director of Project Management. Mr. Anderson was interviewed on Thursday, March 24, 2011.

Mr. Anderson was asked about his recollection of the Highway Division Senior Staff meeting on February 14, 2011 and whether he recalled the falling light fixture in the 93 NB tunnel being mentioned by Helmut Ernst at that meeting.

Mr. Anderson had a specific recollection of the issue being raised at the meeting of February 28, 2011. Mr. Anderson did not have any recollection of the issue being raised at the February 14, 2011 Highway Division Senior Staff meeting.

Mr. Anderson did note that he believes he heard about the falling light fixture prior to February 28, 2011 because he remembers asking Mary Grieco in the Metals Control Section if she was looking into the issues associated with the falling light fixture. Ms. Grieco said she had not heard anything. Mr. Anderson had an email from February 24, 2011 regarding his query to Ms. Grieco asking if she had heard anything about the falling light fixture. This email confirmed his belief that he at least had been aware of the falling light fixture prior to the February 28, 2011 Highway Division Senior Staff meeting. Mr. Anderson is unsure, however, how he came about that knowledge.

9. Major David Desmond

Major David Desmond represents the State Police Troop (Troop E) responsible for the Massachusetts Turnpike, and the Metropolitan Highway System and he attends the Highway Division Senior Staff meetings. Major Desmond was interviewed by telephone on Thursday, March 24, 2011.

Major Desmond was asked about his recollection of the Highway Division Senior Staff meeting on February 14, 2011 and whether he recalled the falling light fixture in the 93 NB tunnel being mentioned by Helmut Ernst at that meeting.

Major Desmond had a specific recollection of the issue being raised at the meeting of February 28, 2011. Major Desmond Anderson did not have any recollection of the issue being raised at the February 14, 2011 Highway Division Senior Staff meeting.

10 Jeffrey B. Mullan

Mr. Mullan is the Secretary and Chief Executive Officer, Massachusetts Department of Transportation. Mr. Mullan was interviewed on Thursday, March 24, 2011.

Mr. Mullan stated that he first became aware of the fact that inspections were occurring in the tunnel through an email he received on March 1, 2011. That email made no mention of a falling light fixture.

On March 1, 2011, Legislative Liaison Roy Avellaneda sent an email to Helmut Ernst, the District 6 Highway Director. Mr. Avellaneda requested information about the number of light fixtures that may require replacement as a result of inspections of the tunnel lights undertaken since inspections began on February 9, 2011.

Mr. Avellaneda became aware of the issue during the February 28, 2011 Highway Division Senior Staff meeting.

Mr. Ernst replied to Mr. Avellaneda's email on March 1, 2011. Mr. Avellaneda forwarded the emailed response from Mr. Ernst to Assistant Secretary Joseph Landolfi. Mr. Landolfi forwarded the email to Mr. Mullan on March 1, 2011 and asked Mr. Mullan whether he had been briefed on the issue. On March 5, 2011, Mr. Mullan replied "Not yet." That Email is attached as Exhibit B.

Mr. Mullan was not briefed on the matter by Mr. Tramontozzi until March 8, 2011 at the MassDOT Senior Staff meeting.

DOCUMENTATION REGARDING PHONE CALLS:

In order to address the statement of District 6 Highway Director Helmut Ernst that he called Chief Engineer Frank Tramontozzi on February 9, 2011, and in order to address the statement of Acting Administrator and Chief Engineer Tramontozzi that he received no phone call from Mr. Ernst on February 9, 2011, the cellular and land line records of each were accessed and reviewed.

A review of those records demonstrates that Mr. Ernst did place a call to Mr. Tramontozzi's cell phone from his cell phone on the afternoon of February 9, 2011 at 4:26 p.m.

When presented with this information, Mr. Tramontozzi stated again that he had no recollection of having any conversation with Mr. Ernst on February 9, 2011, and that specifically he did not recall any conversation with Mr. Ernst about a fallen light fixture in the tunnel.

FINDINGS

The below findings represent my conclusions based on the interviews described above and records included in the appendix to this report:

1. District 6 Highway Director Helmut Ernst became aware of the fallen light fixture on February 9, 2011.

2. District 6 Highway Director Helmut Ernst called Chief Engineer Frank Tramontozzi on the afternoon of February 9, 2011. The review supports the conclusion that Mr. Tramontozzi was informed by Mr. Ernst of the fallen light fixture at that time.
3. By Chief Engineer Tramontozzi's own account, he became aware of the fallen light fixture as early as February 24 or 25, 2011.
4. Chief Engineer (and later Acting Administrator) Frank Tramontozzi did not report the fallen light fixture to Secretary Mullan until March 8, 2011.

APPENDIX

EXHIBIT A

Ernst, Helmut (DOT)

From: Ernst, Helmut (DOT)
Sent: Tuesday, March 01, 2011 2:38 PM
To: Avellaneda, Roy (DOT)
Subject: RE: Lights`

This is a big deal and I don't want to minimize the magnitude of the issue. There are approximately 25,000 tunnel light fixtures and we estimate that 21,500 of them have a coating type that has failed or is prone to failure. Due to traffic considerations we have so far checked approx 8,000 of them. About 5% of those checked so far are showing advanced deterioration to the point they are no longer safe. For the failed fixtures we are resetting the clips holding them up to less corroded areas of the fixture as a temporary fix. We are preparing a CAT trust fund request to investigate the best course of action as total replacement requires rewiring as well and will be very expensive (best guess \$200M).

-----Original Message-----

From: Avellaneda, Roy (DOT) [mailto:Roy.Avellaneda@state.ma.us]
Sent: Tuesday, March 01, 2011 10:55 AM
To: Ernst, Helmut (DOT)
Subject: Lights`

Helmut

Can you give me the number of lights you think have to have replaced? Was 10K correct?

Roy A. Avellaneda

Legislative Liaison

MASS Department of Transportation

Ten Park Plaza, Suite 3510

Boston, MA 02116-3973

Work: 617-248-2968

Fax: 617-973-8445

Roy.Avellaneda@state.ma.us

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EXHIBIT B

Mullan, Jeffrey (DOT)

From: Mullan, Jeffrey (DOT)
Sent: Saturday, March 05, 2011 6:21 PM
To: Landolfi, Joe (DOT); Mullan, Jeffrey (DOT)
Subject: RE: Tunnel Lights
 Not yet

Jeffrey B Mullan

www.mass.gov/massdot

(617) 248-2880

How Can We Help You Today?

For news and updates www.mass.gov/blog/transportation, twitter at www.twitter.com/massdot

-----Original Message-----

From: Landolfi, Joe (DOT) [mailto:Joe.Landolfi@state.ma.us]
Sent: Tuesday, March 01, 2011 3:05 PM
To: Mullan, Jeffrey (DOT)
Subject: Fw: Tunnel Lights

See below. Were you finally briefed on this? Its potentially a big deal

From: Avellaneda, Roy (DOT)
To: Landolfi, Joe (DOT); Hurtubise, Adam (DOT)
Cc: Smith, Jefferson (DOT)
Sent: Tue Mar 01 14:46:33 2011
Subject: FW: Lights
 FYI

Roy A. Avellaneda

Work: 617-248-2968

Fax: 617-973-8445

Legislative Liaison

MASS DOT

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Helmut

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